

COUNCIL AGENDA

September 16, 2024

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

7:00 P.M.

ROLL CALL

INVOCATION – Ms. Bline

PLEDGE OF ALLEGIANCE –

CAUCUS

24-18A AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.

Upon consideration of the information presented, the following actions are recommended:

1. *Ordinance 24-18A is recommended for passage and approval by Council.*

MINUTES of September 3, 2024

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance

Service

Safety

REPORTS FROM CITY OFFICIALS

Ryan T. Bubb, City Auditor – Operating Report for the period ending August 31, 2024

Brenda Cooper, Tax Administrator – Income Tax Revenue Reports for the period ending August 31, 2024

COMMUNICATIONS

Ohio Division of Liquor Control – Transfer liquor permit application from Flat Tire LLC, 388 W. Main St., Newark, OH 43055 to Newark Premium Liquor LLC, dba Giant Eagle, 388 W. Main St., Newark, OH 43055

Janine Paul – Opinion regarding Ordinance No. 24-36

Licking County Courthouse Lighting Committee – The Community Lighting Fundraising Campaign is running through Friday, October 20, with a community goal of \$45,000. To donate or learn more about how you can help, visit their website at www.courthouselighting.com.

Cara Bieber Noyes, Director of The Newark Maennerchor Singers – Newark Maennerchor will be hosting the 42nd state-wide German singing festival on May 3, 2025.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting.

ORDINANCES ON FIRST READING

There are none this meeting.

RESOLUTIONS ON SECOND READING

24-71 A RESOLUTION AUTHORIZING NEWARK DEVELOPMENT PARTNERS TO ACT AS AGENT FOR THE CITY OF NEWARK FOR THE SALE OF CERTAIN PARCELS OF PROPERTY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEWARK DEVELOPMENT PARTNERS GOVERNING THE SALE AND DISTRIBUTION OF PROCEEDS

24-72 CI APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$332,854.53 Contingency)

24-73 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$6,822.40 Monies paid to incorrect vendor, sent back to pay correct vendor)

RESOLUTIONS ON FIRST READING

24-77 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2025 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.

24-78 Exp. A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$40,000.00 Ohio Ambulance Transportation Impacted Industry Program Grant)(\$2,401.00 Fees to cover higher cost due to larger property tax collection)(\$28,026.00 Fees to cover higher cost due to larger property tax collection)(\$31,318.00 Overcollection of Property Taxes so fees & Disbursements are higher)

24-79 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

24-80 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

ORDINANCE NO: 24-18 - A

BY _____

AN ORDINANCE AMENDING PORTIONS OF THE CURRENT ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A AND SEPTEMBER 5, 2023, BY ORDINANCE 23-22A AND IMPLEMENTING ADDITIONAL ARTICLES OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, the City of Newark by and through action of Newark City Council adopted a new Zoning Code on May 5, 2009 with the passage of Ordinance 08-33A; and,

WHEREAS, the City of Newark by and through action of Newark City Council amended portions of the Zoning Code on September 5, 2023, with the passage of Ordinance 23-22A; and,

WHEREAS, changed circumstances in the City of Newark have created a need to revise the existing Zoning Code to address issues specific to future development and business regulations for the benefit of all and good zoning practice; and,

WHEREAS, this matter was considered by the Economic Development Committee of Council at a regularly scheduled meeting thereof and was passed on to the Planning Commission for public hearing and recommendation and then to full Council pursuant to Charter Article 4.12.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO THAT THE ZONING CODE OF THE CITY OF NEWARK, OHIO IS HEREBY AMENDED TO READ AS SET FORTH HEREIN

SECTION 1: Article 46: MB Medium Intensity Business District of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 46
MB MEDIUM INTENSITY BUSINESS DISTRICT

46.4

CONDITIONAL USES

1. Medical marijuana dispensaries as defined at OAC 3796:1-1-01 (13) provided that (a) such facility is in full and complete compliance with the requirements and restrictions of all applicable sections of the OAC and Ohio Revised Code as well as all applicable licensing and reporting requirements of the Codified Ordinances of the City of Newark, Ohio and (b) such facility is not located within 1,000 feet of a parcel of real estate having situated on it a school, church, public library, public playground, public park or community addiction services provider as defined under R.C. § 5119.01 **NOR WITHIN A TWO (2) MILE RADIUS OF ANOTHER MARIJUANA DISPENSARY.**

A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.

VEHICULAR DRIVE-THRU AND CURB-SIDE SERVICE IS PROHIBITED.

2. ADULT USE DISPENSARIES AS DEFINED AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01 **NOR WITHIN A TWO (2) MILE RADIUS OF ANOTHER MARIJUANA DISPENSARY.**

A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.

VEHICULAR DRIVE-THRU AND CURB-SIDE SERVICE IS PROHIBITED

SECTION 2: *Article 48: HB High Intensity Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 48

HB HIGH INTENSITY BUSINESS DISTRICT

48.4 CONDITIONAL USES

2. **Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4.**

SECTION 3: *Article 50: GB General Business District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 50

GB GENERAL BUSINESS DISTRICT

50.4 CONDITIONAL USES

3. **Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

SECTION 4: *Article 54: LC Limited Commercial District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 54
LC LIMITED COMMERCIAL DISTRICT

54.4 CONDITIONAL USES

3. **Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

SECTION 5: *Article 56: GC General Commercial District* of the Zoning Code of the City of Newark, Ohio is hereby amended to include the following:

ARTICLE 56
GENERAL COMMERCIAL DISTRICT

56.4 CONDITIONAL USES

3. **Medical marijuana AND ADULT USE dispensaries pursuant to the authority and limitations set forth at Article 46: MB Medium Intensity Business District, Section 46.4**

SECTION 6: *Article 60: DC Downtown District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 60
DC DOWNTOWN DISTRICT

60.3 PROHIBITED USES

5. **Medical marijuana dispensaries as defined at OAC 3796:1-1-01(13) AND ADULT USE DISPENSARIES AS DEFINED AT ORC 3780.01(A)(5)**
6. **Medical marijuana cultivators as defined at OAC 3796:1-1-01(9) AND ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21).**
7. **Medical marijuana processors as defined at OAC 3796:1-1-01(39) AND ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7).**

SECTION 7: *Article 64: Limited Industrial District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 64
LI LIMITED INDUSTRIAL DISTRICT

64.2 PERMITTED USES

26. Medical marijuana cultivators as defined at OAC 3796:1-1-01(9) provided that such facility is in full and complete compliance with the requirements and restrictions of all applicable sections of the OAC and Ohio Revised Code as well as all applicable licensing and reporting requirements of the Codified Ordinances of the City of Newark, Ohio.
27. Medical marijuana processors as defined at OAC 3796:1-1-01(39) provided that such facility is in full and complete compliance with the requirements and restrictions of all applicable sections of the OAC and Ohio Revised Code as well as all applicable licensing and reporting requirements of the Codified Ordinances of the City of Newark, Ohio.

64.4 CONDITIONAL USES

~~5. MEDICAL MARIJUANA DISPENSARIES AS DEFINED AT SECTION 3796:1-1-01 (13) OF THE OHIO ADMINISTRATIVE CODE (OAC) PROVIDED THAT (a) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (b) SUCH FACILITY IS NOT LOCATED WITHIN 1000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER SECTION 5119.01 OF THE REVISED CODE.~~

~~A VARIANCE FROM THE 1000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.~~

5. MEDICAL MARIJUANA CULTIVATORS AS DEFINED AT OAC 3796:1-1-01(9) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

6. MEDICAL MARIJUANA PROCESSORS AS DEFINED AT OAC 3796:1-1-01(39) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

~~7. ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO~~

~~ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.~~

~~A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.~~

7. ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.
8. ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND THE OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

64.6 DISTRICT STANDARDS

2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than ~~twenty-five~~ **THIRTY-FIVE** percent of the lot area exclusive of any lot area in the floodway.

64.15 PROHIBITED USES

Notwithstanding the provisions of Section 64.2 Permitted Uses and 64.4 Conditional Uses, the following listed uses shall be prohibited in the LI Limited Industrial District:

3. **Medical marijuana dispensaries as defined at OAC 3796:1-1-01(13) and adult use dispensaries as defined at ORC 3780.01(A)(5).**

SECTION 8: *Article 66: GI General Industrial District* of the Zoning Code of the City of Newark, Ohio, is hereby amended to include the following:

ARTICLE 66 GI GENERAL INDUSTRIAL DISTRICT

66.4 CONDITIONAL USES

- ~~17. MEDICAL MARIJUANA DISPENSARIES AS DEFINED AT SECTION 3796:1-1-01 (13) OF THE OHIO ADMINISTRATIVE CODE (OAC) PROVIDED THAT (a) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF~~

~~NEWARK, OHIO AND (b) SUCH FACILITY IS NOT LOCATED WITHIN 1000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER SECTION 5119.01 OF THE REVISED CODE.~~

~~A VARIANCE FROM THE 1000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.~~

17. MEDICAL MARIJUANA CULTIVATORS AS DEFINED AT OAC 3796:1-1-01(9) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.
18. MEDICAL MARIJUANA PROCESSORS AS DEFINED AT OAC 3796:1-1-01(39) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

~~19. ADULT USE DISPENSARIES AS DEFINED AT SECTION 3780.01(A)(5) OF THE OHIO REVISED CODE PROVIDED THAT (A) SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OHIO REVISED CODE, THE OHIO ADMINISTRATIVE CODE, AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO AND (B) SUCH FACILITY IS NOT LOCATED WITHIN 1,000 FEET OF A PARCEL OF REAL ESTATE HAVING SITUATED ON IT A SCHOOL, CHURCH, PUBLIC LIBRARY, PUBLIC PLAYGROUND, PUBLIC PARK OR COMMUNITY ADDICTION SERVICES PROVIDER AS DEFINED UNDER R.C. § 5119.01.~~

~~A VARIANCE FROM THE 1,000 FEET DISTANCE RESTRICTION TO REDUCE SAID RESTRICTION BY NO MORE THAN 250 FEET DISTANCE MAY BE ISSUED BY THE BOARD OF ZONING APPEALS WITH A CONDITIONAL USE PERMIT.~~

19. ADULT USE CULTIVATORS AS DEFINED AT ORC 3780.01(A)(4) AND 3780.01(A)(19)-(21) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.
20. ADULT USE PROCESSORS AS DEFINED AT ORC 3780.01(A)(7) PROVIDED THAT SUCH FACILITY IS IN FULL AND COMPLETE COMPLIANCE WITH THE REQUIREMENTS AND RESTRICTIONS OF ALL APPLICABLE SECTIONS OF THE OAC AND THE OHIO REVISED CODE AS WELL AS ALL APPLICABLE LICENSING

AND REPORTING REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF NEWARK, OHIO.

66.6 DISTRICT STANDARDS

2. The combined square footage of the footprint of all buildings and structures on a given lot shall not be more than ~~twenty-five~~ **THIRTY-FIVE** percent of the lot area exclusive of any lot area in the floodway.

66.15 PROHIBITED USES

Notwithstanding the provisions of Section 66.2 Permitted Uses and 66.4 Conditional Uses, the following listed uses shall be prohibited in the GI General Industrial District:

1. **Medical marijuana dispensaries as defined at OAC 3796:1-1-01(13) and adult use dispensaries as defined at ORC 3780.01(A)(5).**

SECTION 9: The Tables of Content of the Zoning Code of the City of Newark, Ohio, are hereby amended to reflect the modifications made by this Ordinance.

SECTION 10: Nothing herein shall require any change in the location of the currently operating medical/adult use marijuana dispensaries for which zoning permits have been issued prior to the enactment of this amendment.

SECTION 11: All other sections of the Zoning Code of the City of Newark, Ohio, not specifically addressed within this Ordinance shall remain in full force and effect as written.

SECTION 12: This Ordinance shall take effect upon full compliance with the procedures set forth at Article 4.12 and then on the earliest date allowed by Article 4.07 of the Charter of the City of Newark and remain in full force and effect thereafter.

Passed this _____ day of _____, _____.

PRESIDENT OF COUNCIL

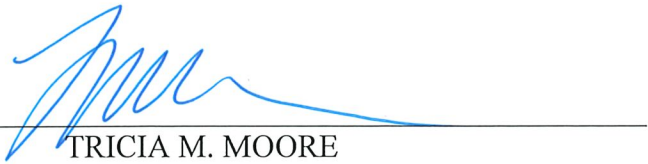
ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

APPROVED AS TO FORM: _____



TRICIA M. MOORE
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

RESOLUTION NO. 24-71

BY: _____

A RESOLUTION AUTHORIZING NEWARK DEVELOPMENT PARTNERS TO ACT AS AGENT FOR THE CITY OF NEWARK FOR THE SALE OF CERTAIN PARCELS OF PROPERTY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEWARK DEVELOPMENT PARTNERS GOVERNING THE SALE AND DISTRIBUTION OF PROCEEDS

WHEREAS, the City of Newark and Newark Development Partners have entered into an Amended Designated Agency Agreement authorizing the transfer of real property owned by the City and controlling the manner in which such property may then be developed and/or transferred by Newark Development Partners and the manner in which any revenues generated from such development and transfer are to be disbursed; and,

WHEREAS, due to the subject property being purchased by the City using Federal Funds, the City must enter into a special Memorandum of Understanding with Newark Development Partners as to the particular method and terms by which the property is to be sold and the required distribution of funds that must occur in order for the City to be able to procure Federal Funding in the future; and,

WHEREAS, an appraisal of said property was completed and approved by the Ohio Department of Transportation; and,

WHEREAS, the subject property, because of its size, location, and zoning restrictions, is not currently suitable for any municipal purpose; and,

WHEREAS, the sale of the subject real property would promote the general welfare and stabilization of the neighborhood in question, assist in development, and promote the reclamation, rehabilitation, and reutilization of such real property; and,

WHEREAS, this matter was considered in regular session of the Service Committee who voted to refer the same to full Council for consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO, THAT:

SECTION ONE: The Director of Public Service is hereby authorized to enter into a Memorandum of Understanding with Newark Development Partners who shall act as agent for the City of Newark for the sale of the following listed parcels of real property located within the City of Newark:

<u>ADDRESS</u>	<u>PARCEL NO.</u>
182 Mt. Vernon Road	054-277920-00.000
184 Mt. Vernon Road	054-279570-00.000
188 Mt. Vernon Road	054-277656-00.000

SECTION TWO: Council hereby declares the subject real property to no longer be needed by the City of Newark, Ohio for any municipal purpose and that the City's interests are best served by sale of the property by Newark Development Partners subject to the agreed upon Memorandum of Understanding containing the terms of sale and the disbursement proceeds generated therefrom.

SECTION THREE: This Resolution shall become effective at the earliest date permitted pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 2024.

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
Director of Law

Prepared by the Office of the Director of Law

Resolution No.24-72 CI

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 335 Capital Improvements Fund, in the amount of \$332,854.53 (Contingency)

335.121.5299	Contingency	332,854.53
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2024.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

Resolution No.24-73

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 220 ARRP Fund, in the amount of \$6,822.40 (Monies paid to incorrect vendor, sent back to pay correct vendor)

220.100.5521	Water Lines	6,822.40
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2024.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

,
Approved as to form Director of Law _____, _____

BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR USE OF FUNDS/ACTION PLAN ALONG WITH AN APPLICATION FOR FY 2025 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG), AS REQUIRED BY 24 CFR PART 91.220, FOR VARIOUS PROGRAMS RELATED TO HOUSING AND COMMUNITY DEVELOPMENT.

WHEREAS, it is necessary to prepare and submit to the United States Department of Housing and Urban Development (HUD) a one year use of funds/action plan for Federal Fiscal Year 2025 in order to ensure that Newark may participate in housing and related community development funding opportunities.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND STATE OF OHIO THAT:

Section 1: This Council does hereby authorize and direct the Mayor, and his representative to prepare and submit to HUD a One Year Use of Funds/Action Plan for FY 2025 CDBG, and to make in connection therewith, all certifications, understandings, and assurances, contained therein, including, but not limited to, assurances that the City: will a further fair housing opportunities; follow a residential anti-displacement and relocation assistance plan in connection with CDBG or HOME assisted activities; maintain a drug free workplace as required by 24 CFR Part 24, Subpart F; comply with anti-lobbying restrictions as required by 24 CFR Part 87; will follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (42U.S.C. 4601); will comply with Section 3 of the HUD Act of 1968 (12 & U.S.C. 1701 u); that it is in full compliance with a citizen participation plan that satisfies the requirements of 24 CFR 91.105; that it has developed and is following a community development plan which has been developed in accordance with the primary objective of the statute authorizing the CDBG program, as described in 24 CFR Part 570; that it is following a current Consolidated Plan that has been approved by HUD; that its One Year Use of Funds/Action Plan has been developed so as to give the maximum feasible priority to activities that will benefit low and moderate income families or aid in the prevention or elimination of slums and blight; that at least 70% of the aggregate use of its CDBG funds shall be expended for activities that benefit low to moderate income persons; that it has adopted and is enforcing a policy prohibiting the excessive use of force by law enforcement agencies within its jurisdiction against individuals engaged in non-violent civil rights demonstrations; that has adopted and is enforcing laws against physically barring entrance to or exits from facilities or locations that are subject to non-violent civil rights demonstrations; that its grant will be conducted in conformity with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200 d) and the Fair Housing Act (42 U.S.C. 3601 et seq.); that it will comply with the lead based paint procedures specified in 24 CFR Part 35; and that it will comply with other applicable laws, including 2 CFR part 200.

Section 2: This Council does hereby authorize the Mayor, and his representative to prepare the above mentioned grant application and to make, in connection therewith, all certifications, understandings, and assurances contained therein, so as to ensure the City of Newark will not be disqualified to receive available funding opportunities for Federal FY 2025.

Section 3: In furtherance of the directives established herein, the Mayor is authorized to take whatever action is legally available to attain all necessary certifications and approval of the furtherance of the best interest of the City and its participation in available housing and development funding programs.

Section 4: That the Mayor be and hereby is designated as the authorizing official to enter into an agreement with HUD to administer the CDBG program.

Section 5: The Mayor, at his discretion, may amend the final One Year Use of Funds during the course of the HUD fiscal year in accordance with the laws, regulations, and directives of HUD.

Section 6: This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED THIS _____ DAY OF _____, 2024

PRESIDENT OF COUNCIL

ATTEST-CLERK OF COUNCIL

DATE FILED WITH THE MAYOR _____

DATE APPROVED BY THE MAYOR _____

MAYOR

FORM APPROVED _____
DIRECTOR OF LAW

Resolution No.24-78 Exp

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 220 COVID ARPA Fund, in the amount of \$40,000.00 (Ohio Ambulance Transportation Impacted Industry Program Grant)

220.205.5199	Salary Contingency	40,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 250 P&F Pension Fund, in the amount of \$2,401.00 (Fees to cover higher cost due to larger property tax collection)

250.100.5283	Detac Fees	315.00
250.100.5284	Auditor/Treasurer Fees	2,086.00

Section 3. There is hereby an appropriation of the unappropriated balance of the 100 GF Fund, in the amount of \$28,026.00 (Fees to cover higher cost due to larger property tax collection)

100.100.5283	Detac Fees	11,976.00
100.100.5284	Auditor/Treasurer Fees	16,050.00

Section 4. There is hereby an appropriation of the unappropriated balance of the 424 TIF Fund, in the amount of \$31,318.00 (Overcollection of Property Taxes so fees & Disbursements are higher)

424.100.5283003	Detac Fees Longaberger	700.00
424.100.5284003	Auditor/Treasurer Fees District 1	106.00
424.100.5284006	Auditor/Treasurer Fees District 3	2,267.00
424.100.5284007	Auditor/Treasurer Fees District 4	171.00
424.100.5284010	Auditor/Treasurer Fees District 5	70.00

424.926.5611	Disbursements	26,046.00
424.922.5611	Disbursements	1,958.00

This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2024.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

,
Approved as to form Director of Law _____, _____

RESOLUTION NO. 24-79

BY _____

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

(CITY COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the City of Newark, Licking County, Ohio, met in _____ (regular or special) session on the _____ day of _____, 20 _____, at the office of _____ with the following members present:

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Mr. _____ moved the adoption of the following Resolution:

for the next succeeding fiscal year commencing January 1, 2025; and

WHEREAS, the Budget Commission of Licking County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten-mill limitation; and

WHEREAS, this Resolution is hereby deemed an emergency pursuant to Charter Article 4.06 in that it is necessary for the immediate preservation of the public peace, health, safety, or welfare of the citizens of the City of Newark, Ohio, to meet the October 1, 2024, deadline.

NOW, THEREFORE, be it RESOLVED by the Council of the City of Newark, Licking Cunty, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and,

Be it further RESOLVED, that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation as follows:

SEE ATTACHED SCHEDULE A AND B

Be it further RESOLVED, that the Clerk of this Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County; and

Be it further RESOLVED, that this Resolution shall take effect immediately as an emergency for the reasons as stated herein pursuant to Newark City Charter Article 4.07 and remain in full force and effect thereafter.

Mr. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. _____

Mr. _____

Mr. _____

Mr. _____

Mr. _____

Mr. _____

Mr. _____

Mr. _____

Mr. _____

Mr. _____

Adopted this _____ day of _____, 20 _____

PRESIDENT OF COUNCIL

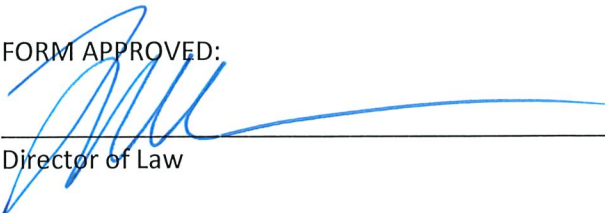
ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR: _____

FORM APPROVED:



Director of Law

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES
2024 TAX YEAR COLLECTED IN 2025**

FUND	Amount Approved by Budget Com- mission Inside <u>10m. Limitation</u> Column I	Amount to Be Derived from Levies Outside <u>10M. Limitation</u> Column II	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10M <u>Limit</u> III	Outside 10M <u>Limit</u> IV
General Fund				
Dist 54	3,871,182		3.100	
Dist 55	35,817		2.600	
Dist 56	151,399		2.000	
Dist 88	56,302		2.700	
Dist 79, 96	19,228		1.500	
Dist 81	876		1.900	
Fire Pension	411,713		0.300	
Police Pension	411,713		0.300	
TOTAL	4,958,229	0	3.700	0.000
GRAND TOTALS	4,958,229		3.700	

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy
TOTALS	0.000	0

CERTIFICATE OF COPY

ORIGINAL ON FILE

The State of Ohio, Licking County, ss.

I, _____, Clerk of the Council of the City of **Newark**

within and for said County, and in whose custody the Files and Records of said Council are required by
Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the
original _____

now on file, that the foregoing has been compared by me with said original document, and that the same
is a true and correct copy thereof,

WITNESS my signature, this _____ day of _____, _____

Clerk of Council

1. A copy of this Resolution must be certified to the County Auditor within the time prescribed by Sec. 5705.34 R.C., or at such later date as may be approved by the Board of Tax Appeals.

BY: _____

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvements Program provides financial assistance to political subdivisions for capital improvements to public infrastructure, and;

WHEREAS, The Ohio Public Works Commission has announced funding in Round 39 that may be offered as a grant or loan for road, bridge and other infrastructure projects, and;

WHEREAS, the City of Newark is considering to make capital improvements requests for construction projects within the City of Newark, namely:

- 1. North 21st Street at Granville Road Intersection Upgrade Project

WHEREAS, the infrastructure improvements herein above described are considered to be a priority need for the community and are a qualified project under OPWC program; and,

WHEREAS, this matter was addressed by the Service Committee at a regularly scheduled meeting thereof which recommended consideration of passage by full Council.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

Section 1: The Director of Public Service of the City of Newark is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Director of Public Service of the City of Newark is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: This ordinance shall take effect at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2024.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor
Form Approved: _____
Law Director

Prepared by the Division of Engineering